

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

BOBBI R. WILLIAMS

PLAINTIFF

VS.

CIVIL ACTION NO. 3:10-cv-435-WHB-LRA

UNITED STATES POSTAL SERVICE and  
JOHN POTTER, POSTMASTER GENERAL

DEFENDANTS

OPINION AND ORDER

This cause is before the Court on the August 10, 2010, Report and Recommendation of United States Magistrate Judge Linda R. Anderson. In her Report, Judge Anderson recommended that the Application to Proceed Without Prepaying Fees or Costs filed by Plaintiff, Bobbi R. Williams ("Williams")<sup>1</sup>, be denied because Williams was not "indigent under the law." In support of this finding, Judge Anderson relied on portions of Williams's affidavit in which she averred: her current monthly income is \$1,000.00 to \$2,000.00; her expected income for the following month was \$3,000.00; she receives over \$2,000.00 per month in alimony, child support, and disability benefits; she owned a home and other real property valued at \$200,000.00; and she owned three motor vehicles valued at \$39,000.00. Although Williams was expressly notified that she had fourteen days in which to file objections to Judge Anderson's Report and Recommendation, no objections were filed.

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<sup>1</sup> As Williams is proceeding in this case *pro se*, the allegations in her pleadings have been liberally construed. See United States v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994).

After reviewing Williams's Application to Proceed Without Prepaying Fees or Costs and Judge Anderson's Report and Recommendation regarding that application, the Court agrees with Judge Anderson's finding that Williams has failed to show that she is indigent, and also agrees with Judge Anderson's finding that the filing fee in this case could be paid without undue financial hardship if Williams was granted an extended period of time in which to pay that fee. As such, the Court will adopt Judge Anderson's Report and Recommendation recommending that Williams's Application to Proceed Without Prepaying Fees or Costs be denied, and that she be granted an extended period of time in which to pay the filing fee in this case.

For the foregoing reasons:

IT IS THEREFORE ORDERED that the August 10, 2010, Report and Recommendation of United States Magistrate Judge Linda R. Anderson [Docket No. 3], which recommends the denial of Plaintiff's Application to Proceed Without Prepaying Fees or Costs, and granting Plaintiff an extended period of time in which to pay the filing fee in this case, is hereby adopted as the finding of this Court.

IT IS FURTHER ORDERED that Plaintiff's Application to Proceed Without Prepaying Fees or Costs [Docket No. 2] is hereby denied.

IT IS FURTHER ORDERED that, in accordance with Judge Anderson's Report and Recommendation, Plaintiff is hereby ordered to pay all of the costs associated with the filing of this lawsuit

on or before November 12, 2010. Plaintiff is expressly warned that in the event the costs associated with the filing of this lawsuit are not paid on or before November 12, 2010, this lawsuit will be dismissed, without prejudice, for lack of prosecution and without further notice to her.

SO ORDERED this the 24th day of September, 2010.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE